

Nonpublic and Limited-Access Court Records

Revision June 2006

The following chart lists various court record types to which access is limited by statute or court rule. It should be used in conjunction with Component 19 of the Michigan Trial Court Case File Management Standards. While this chart can help provide guidance on the use of and access to confidential records, court staff should review the particular statutes and court rules and, when in doubt, consult with their chief judge on local interpretation. Each listed item begins with the specific record type that has its access limited, a citation to the relevant statute and/or court rule, and the duration of time that access to the record is limited (*Record Having Limited Access and Length of Duration*). Following this identification of the record type, the chart specifies what regulations or standards exist for the court's filing and storage of the record and for access to the record by court staff (*Filing and Court Access Requirements*). Each item ends with a listing of the various persons or agencies and the reasons for which they are allowed to have access to the record (*Possibilities for Access to Court Records*). The chart is organized by court type and category of case. Categories are as follows: General: Circuit Court (Civil and Criminal Divisions) and District Court; Circuit Court Family Division - Friend of the Court; Circuit Court Family Division - Juvenile; Circuit Court Family Division - Adoption, Etc.; and Probate Court.

Although there is no specific statutory or rule-based direction, if one court orders a record or information to become confidential, in many cases, it would appear to be appropriate for another court to make that record or information confidential as well.

Notes:

- The chart contains some entries of record types which are not, strictly speaking, by statute or court rule of limited access in courts but which are of limited access in another agency. Such record types are included since, in order not to defeat the intent to keep such records confidential, courts may wish to order the records they retain to be of limited access as well.
- In some cases, a statute or court rule makes **information** in a case file (as opposed to simply the file itself) confidential. This is the case when, for example, the law protects against divulging information in the file or when specific pieces of information (e.g., name or address) are made confidential. When information in a case file is made confidential, individuals should not divulge confidential information, and publicly accessible information sources outside of case files (e.g., indices, registers of actions) should not contain confidential information.
- The collection, maintenance, and release of social security numbers by courts is governed by Michigan Supreme Court Administrative Order 2006-2, Privacy Policy and Access to Records. Administrative Memorandum 2006-04 provides the procedures courts must follow when providing copies of documents containing social security numbers, as well as remedies available to a party seeking to protect a social security number contained within a publicly filed document.
- If a request is made to view a nonpublic record or a record that does not exist, and the individual requesting to view the record is not allowed access under statute, court rule, or is not a party to the case, the court should respond as follows: **"No public record exists."** A nonpublic record shall not be acknowledged or identified.
- If the court receives form MC 292 from a defendant as provided by MCL 380.1230d and MCL 380.1535a, it shall forward a copy of the form and information regarding the sentencing not later than seven days after the date of sentencing to the entities listed on the form, even if the court is maintaining the file as a nonpublic record. Further, at the request of the Superintendent of Public Instruction, the court shall provide a copy of the judgment of conviction and sentence or other document regarding disposition of the case within seven days of receiving the request and fees or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

Nonpublic and Limited-Access Court Records

GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>SEALED RECORDS:</p> <p>Records sealed by court order. (MCR 8.119(F))</p> <p>Duration: From entry of the order until the time (if any) when the order is rescinded.</p>	<p>Sealed records should be maintained to ensure they are not subject to public inspection. Orders and opinions remain public at all times.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Any person may file a motion to set aside an order that disposes of a motion to seal the record or may file an objection to entry of a proposed order. Parties to a civil case where the file has been sealed after motion of the parties or sua sponte by the court shall be allowed access to their court file. A court may not seal a court order or opinion, including an order or opinion that disposes of a motion to seal the record. <i>MCR 8.119(F)(5)</i></p>
<p>CONFIDENTIAL LEIN POLICY FILE:</p> <p>Information obtained from the Law Enforcement Information Network. (MCL 28.214(3),(4),(5))</p> <p>Duration: From creation or receipt of the record.</p>	<p>Information which is nonpublic should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.</p> <p>The attorney general or his or her designee, a prosecuting attorney, or the court in a criminal case may disclose to the defendant or the defendant’s attorney of record information pertaining to that defendant that was obtained from the law enforcement information system.</p>
<p>CONFIDENTIAL CMH FILE:</p> <p>Community Mental Health treatment records for individuals. (MCL 330.1748, 330.1748a)</p> <p>Duration: From creation of the record.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Disclosure of a CMH record is possible under some circumstances, including the following:</p> <ul style="list-style-type: none"> (a) for case record entries made after March 28, 1996, to an adult recipient, upon the recipient’s request, if the recipient does not have a guardian and has not been adjudicated legally incompetent; (b) pursuant to court order or legislative subpoena, unless the information is privileged by law; (c) to a prosecuting attorney as necessary for the prosecuting attorney to participate in a proceeding governed by the Mental Health Code; (d) to an attorney for the recipient, with the consent of the recipient, the recipient’s guardian with authority to consent, or the parent with legal and physical custody of a minor recipient; (e) if necessary to comply with another provision of law; (f) to DCH if the information is necessary for the department to discharge a legal responsibility; (g) to the office of auditor general if the information is necessary for that office to discharge its constitutional responsibility; and (h) to a surviving spouse of the recipient or, if there is no surviving spouse, to the individual or individuals most closely related to the deceased recipient within the third degree of consanguinity for the purpose of applying for and receiving benefits.

Nonpublic and Limited-Access Court Records

GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CONFIDENTIAL CMH FILE:</p> <p>Privileged communications between a mental health patient and a psychiatrist or psychologist in connection with the examination, diagnosis, or treatment of the patient. (MCL 330.1750)</p> <p>Duration: From creation of the record.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Disclosure of “privileged communications” is possible, upon request, in any of the following circumstances:</p> <ul style="list-style-type: none"> (a) if the communication is relevant to a condition of the patient that the patient has introduced as an element of the patient’s claim/defense in a proceeding or that, after the patient’s death, has been introduced as an element of the patient’s claim/defense by a party to a proceeding; (b) if the communication is relevant to a matter under consideration in a proceeding governed by the Mental Health Code, but only if the patient was suitably informed, (c) if the communication is relevant to a matter under consideration in a proceeding to determine the legal competence of the patient or the patient’s need for a guardian but only if the patient was suitably informed; (d) in a civil action by or on behalf of the patient or a criminal action arising from the treatment of the patient against the mental health professional for malpractice; and (e) under certain circumstances, if the privileged communication was made during an examination or treatment ordered by a court.
<p>MEDIATION:</p> <p>Statements made during mediation, including those made in written submissions, unless included in the report of the mediator. (MCR 2.411(C)(5))</p> <p>Duration: From creation of the statement.</p>	<p>Information may not be used in any other proceedings, including trial, except as information is necessary for the court to:</p> <ul style="list-style-type: none"> (a) resolve disputes regarding the mediator’s fee, or (b) consider issues raised by a party’s failure to attend a scheduled mediation session. Court personnel may have access to the information in order to administer or evaluate the mediation program. <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p>

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<p>MEDIATION:</p> <p>Communications between the parties or counsel and the mediator relating to a mediation, unless included in the report of the mediator. (MCR 2.411(C)(5))</p> <p>Duration: From creation of the communication.</p>	<p>Information is confidential except when necessary for the court to:</p> <p>(a) resolve disputes regarding the mediator's fee, or</p> <p>(b) consider issues raised by a party's failure to attend a scheduled mediation session.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>Disclosure is possible with the written consent of all parties.</p>
<p>MEDIATION:</p> <p>Work product or case files of mediator or of community dispute resolution center. (MCL 691.1557)</p> <p>Duration: From creation of the work product or case file.</p>	<p>Information is confidential and not subject to disclosure in a judicial or administrative proceeding, except that which is either (a) needed in a subsequent action between the mediator and a party to the dispute resolution process for damages arising out of that process or (b) subject to discovery and was not prepared specifically for use in the dispute resolution process.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>Disclosure is possible when confidentiality is waived in writing by all parties to the dispute resolution process.</p>

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<p>CASE EVALUATION: Case evaluation and parties' acceptances and rejections. (MCR 2.403(N)(4)) Duration: From creation of case evaluation, acceptance, and rejection and until the time (if any) when judgment is rendered.</p>	<p>Documents are to be placed in a sealed envelope.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>None specified.</p>
<p>CASE EVALUATION: Case evaluation and parties' acceptances and rejections. (MCR 2.403(N)(4)) Duration: From creation of case evaluation, acceptance, and rejection and until the time (if any) when judgment is rendered.</p>	<p>Documents are to be placed in a sealed envelope.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>None specified.</p>
<p>JURY: Completed Juror Qualification Questionnaires. (MCL 600.1315) Duration: From receipt of the completed questionnaire.</p>	<p>Questionnaires should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>Persons may gain access to completed questionnaires through order of the chief circuit judge.</p>

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<p>JURY: Juror Personal History Questionnaires. (MCR 2.510(C))</p> <p>Duration: From receipt of the completed questionnaire.</p>	<p>Questionnaires should be maintained to ensure they are not subject to public inspection.</p> <p>The judges of the court, the clerk of the court, and deputy clerks are all allowed to examine the questionnaire.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The only persons allowed to examine the questionnaires are:</p> <p>(a) parties to actions in which the juror is called to serve and their attorneys, and</p> <p>(b) persons authorized access by court rule or court order.</p>
<p>JURY: Seated juror names and addresses. <i>People v Mitchell (In Re Juror Names)</i>, 233 Mich App 604; 592 NW2d 798 (1999).</p> <p>Duration: Upon the court’s finding that juror safety or other interests are implicated by access.</p>	<p>Seated juror names and addresses should be maintained to ensure they are not subject to public inspection.</p>	<p>The press has a qualified right of postverdict access to juror names and addresses, subject to the trial court’s discretion to fashion an order that takes into account the competing interest of juror safety and any other interests that may be implicated by the court’s order.</p>

Nonpublic and Limited-Access Court Records

CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Drug court. (MCL 600.1070(b)(i))</p> <p>Drug court participation and treatment information becomes a nonpublic record after the order of discharge or dismissal is entered. This is applicable only to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge or dismissal upon successful completion of the drug treatment court program.</p> <p>Duration: After the order of discharge or dismissal is entered upon successful completion of the drug court treatment program.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The nonpublic record shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors only:</p> <ul style="list-style-type: none"> (a) for use in the performance of their duties; (b) to determine whether an employee of the court, department, law enforcement agency, or prosecutor’s office has violated his or her conditions of employment; or (c) to determine whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor’s office. <p>The nonpublic record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI only for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <p>(5 USCS 9101(a) and (b))</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

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CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Drug court. (MCL 600.1064(4))</p> <p>Statements or information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3).</p> <p>Duration: From preadmission screening.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Statements or information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3) are confidential and exempt from disclosure under the Freedom of Information Act and shall not be used in criminal prosecution unless it reveals criminal acts other than, or inconsistent with, personal drug use.</p>
<p>CRIMINAL:</p> <p>HYTA. (MCL 762.14(4))</p> <p>In cases where the Holmes Youthful Trainee Act (MCL 762.11-15) is applied and where no subsequent conviction is entered, the entire file (including records related to HYTA assignment).</p> <p>Duration: From the decision by the court to apply HYTA to the case and until the time (if any) when the case is removed from HYTA status.</p>	<p>Case files should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>All proceedings regarding the disposition of the criminal charge and the individual’s assignment as youthful trainee shall be closed to public inspection but shall be open for use only in the performance of the duties of:</p> <ul style="list-style-type: none"> (a) the courts of this state, (b) the Michigan Department of Corrections, (c) the Department of Human Services, (d) law enforcement personnel, and (e) prosecuting attorneys. (MCL 762.14(4)) <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <p>(5 USCS 9101(a) and (b))</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records

CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Licensed health care professional practicing under the influence. (MCL 750.430(8)(A))</p> <p>Entire file when case is discharged or dismissed.</p> <p>Duration: After the order of discharge or dismissal is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The record shall only be furnished to a:</p> <ul style="list-style-type: none"> (a) court, or (b) police agency upon request only for the purpose of showing whether the individual accused of violating has already once utilized this subdivision. <p>The record shall also be furnished to:</p> <ul style="list-style-type: none"> (a) a court, (b) a police agency, or (c) a prosecutor upon request only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. (MCL 750.430(8)(A)) <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)) <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>
<p>CRIMINAL:</p> <p>Immunity. (MCL 767A.8)</p> <p>Documents related to prosecutor-sought immunity in relation to an investigative subpoena (including petitions or orders for immunity and transcripts of testimony delivered to witnesses pursuant to grants of immunity).</p> <p>Duration: From the time the prosecutor seeks immunity.</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Relevant documents shall not be divulged to any person.</p>

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CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Investigative subpoenas. (MCL 767A.8)</p> <p>Records and documents obtained by the prosecutor pursuant to an investigative subpoena.</p> <p>Duration: From creation of the record or document.</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Relevant documents shall not be divulged to any person.</p>
<p>CRIMINAL:</p> <p>Protective orders. (MCR 6.201(E))</p> <p>Record of hearing on issuance of a protective order in connection with discovery if the court grants the protective order.</p> <p>Duration: Provisionally upon start of the hearing, and then permanently from the granting of the protective order.</p>	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
CRIMINAL: Victim information. (MCL 780.758) Victim home and work addresses and telephone numbers. Duration: From receipt of information.	<p>Information “shall not be in the court file or ordinary court documents” unless contained in a transcript (or, in the case of the address, it is used to identify the place of the crime). Conditional bonds and conditional orders of probation for the protection of named persons containing victim addresses or phone numbers are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	None specified.
CRIMINAL: Plea notification. (MCL 780.816(1)) Plea notification to prosecutor following arraignment. Duration: From receipt of the plea notification.	<p>Notice shall be on a “separate form” and contain victim name, address, and telephone.</p>	The notice shall not be a matter of public record.

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CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Minor in possession. (MCL 436.1703(3))</p> <p>Entire file.</p> <p>Duration: While proceedings are deferred and the individual is on probation.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The nonpublic record shall be furnished to any of the following:</p> <ul style="list-style-type: none"> (a) to a court, prosecutor, or police agency upon request only for the purpose of determining if an individual has already utilized the subsection, and (b) to the department of corrections, a prosecutor, or a law enforcement agency, upon request, subject to the following conditions: <ul style="list-style-type: none"> (i) at the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency, and (ii) the record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. (MCL 436.1703(3)) <p>The nonpublic record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI only for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)) <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

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CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Setting aside a conviction; confidential state police file (MCL 780.621, 780.623)</p> <p>Entire file where conviction has been set aside.</p> <p>Duration: From entry of the order setting aside the conviction.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. A person who knows or should know that a conviction was set aside and who divulges, uses, or publishes information concerning a conviction set aside is guilty of a misdemeanor.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>This nonpublic record is only open to:</p> <ul style="list-style-type: none"> (a) a court of competent jurisdiction, (b) an agency of the judicial branch of state government, (c) a law enforcement agency, (d) a prosecuting attorney, (e) the attorney general, or (f) the governor, upon request and only for the purpose of: <ul style="list-style-type: none"> (1) consideration of a licensing function conducted by an agency of the judicial branch of state government, (2) to show that a person who has filed an application to set aside a conviction has previously had a conviction set aside pursuant to this act, (3) the court's consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than one year, (4) consideration by the governor if a person whose conviction has been set aside applies for a pardon for another offense, (5) consideration by a law enforcement agency if a person whose conviction has been set aside applies for employment with the law enforcement agency, or (6) consideration by a court, law enforcement agency, prosecuting attorney, or the attorney general in determining whether an individual required to be registered under the sex offenders registration act has violated that act or for use in a prosecution for violating that act. (MCL 780.621, 780.623) <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)) <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor's office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

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CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
CRIMINAL: Excision of discovery materials. (MCR 6.201(D)) Record of hearing on excision of portions of material under discovery if the court grants the excision. Duration: Provisionally upon start of the hearing, and permanently from the granting of the order.	<p>Records must be sealed (and preserved) for review in the event of an appeal.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p>
CRIMINAL: Probationer information. (MCL 791.229 (circuit), <i>Howe v Detroit Free Press</i>, 440 Mich 203; 487 NW2d 374. (1992)) Records and reports of investigations made by a probation officer and all case histories of probationers. Duration: From creation of the record or report.	<p>Relevant information shall be considered privileged or confidential communications and shall not be open to public inspection.</p> <p>Judges and probation officers shall have access to all records, reports, and case histories.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The probation officer, the assistant director of probation, or the assistant director’s representative</p> <p>(a) shall permit the attorney general, the auditor general, and law enforcement agencies to have access to the records, reports, and case histories, and</p> <p>(b) shall permit designated representatives of a private vendor that operates a youth correctional facility to have access to the records, reports, and case histories pertaining to prisoners assigned to the youth correctional facility. (MCL 791.229)</p> <p>They shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <p>(a) access to classified information,</p> <p>(b) assignment to or retention in sensitive national security duties,</p> <p>(c) acceptance or retention in the armed forces, and</p> <p>(d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b))</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Parental kidnapping. (MCL 750.250a(4); confidential state police file</p> <p>Entire file, when case is dismissed.</p> <p>Duration: After order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The record is available upon request for the purpose of showing that a defendant in a criminal action has already utilized this subsection from:</p> <ul style="list-style-type: none"> (a) a court, or (b) a police agency. (MCL 750.350a(4)) <p>The record shall be furnished, only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal or proceedings by a drug treatment court under MCL 600.1076, to:</p> <ul style="list-style-type: none"> (a) a court, (b) police agency, or (c) prosecutor upon request. <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <p>(5 USCS 9101(a) and (b))</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Domestic violence assault. (MCL 769.4a(6); <i>confidential state police file</i>)</p> <p>Entire file, when case is dismissed.</p> <p>Duration: After the order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The record is available upon request only for the purpose of showing that a defendant in a criminal action under MCL 750.81 and 750.81a or a local ordinance substantially corresponding to section 81 of that act has already once utilized this section to a:</p> <ul style="list-style-type: none"> (a) court, (b) police agency, or (c) an office of prosecuting attorney. (MCL 769.4a(6)) <p>It shall also be furnished upon request only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076 to:</p> <ul style="list-style-type: none"> (a) a court, (b) a policy agency, or (c) a prosecutor. <p>It shall be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <p>(5 USCS 9101(a) and (b))</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CRIMINAL:</p> <p>Controlled substance crimes. (MCL 333.7411, 333.7403(2)(a)(v), 333.7403(2)(b)(c)(d), 333.7404 and 333.7341)); <i>confidential state police file</i></p> <p>Entire file, when case is dismissed.</p> <p>Duration: After the order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The record is available only for the purpose of showing a defendant in a criminal action involving a controlled substance has already once utilized the statute/section <i>or</i> to determine whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076, upon request to a:</p> <ul style="list-style-type: none"> (a) court, (b) police agency, or (c) office of a prosecuting attorney. <p>The record is available to: (a) the Michigan Department of Corrections and (b) a law enforcement agency, subject to the following conditions:</p> <ul style="list-style-type: none"> (1) at the time of the request, the individual is an employee of the department or the law enforcement agency or an applicant for employment thereof, (2) if the individual is an employee, the date on which the court placed him/her on probation occurred after March 25, 2002, or (3) the records shall be used by the MDOC or the law enforcement agency only to determine whether the employee has violated conditions of employment or whether the applicant meets criteria for employment. (MCL 333.7411, 333.7403(2)(a)(v), 333.7403(2)(b)(c)(d), 333.7404, and 333.7341) <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)) <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
CRIMINAL: CSC and Assault with intent to commit CSC. (MCL 750.520k) Name of victim and actor and details of the alleged offense if so requested by counsel, victim, or actor. Duration: Upon request of counsel, the victim, or the defendant until the defendant is arraigned on the information, the charge is dismissed, or the case is otherwise concluded, whichever occurs first.	<p>Relevant information is to be “suppressed.”</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	None specified.
CRIMINAL: Infectious disease testing (MCL 333.5129(6), (7)); Sexual and controlled substance offenses Examination results and any other medical information pertaining to infectious disease testing. Duration: Upon receipt of the information.	<p>Information shall be “confidential.”</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Information shall be disclosed only to:</p> <ul style="list-style-type: none"> (a) the defendant, (b) the local health department, (c) the Department of Community Health, or (d) the victim or other person required to be informed of the results (or the victim’s or other person’s parent, guardian, or person in loco parentis if the victim or other person is a minor or otherwise incapacitated). <p>If the defendant is placed in the custody of the department of corrections, the court shall transmit a copy of the defendant’s examination and test results and other medical information to the department of corrections.</p>
SEARCH WARRANT: Affidavit. (MCL 780.651(8)) Duration: From the time the search warrant is issued until the 56 th day following issuance, unless before the 56 th day after it is issued a peace officer or prosecuting attorney obtains a suppression order from a judge upon a showing under oath that suppression of the affidavit is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness. Access is restricted until the expiration of the suppression order.	<p>The affidavit in a court file or court record retention system is not public.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	None specified.

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>SEARCH WARRANT:</p> <p>Tabulation of items seized through search under warrant if the court orders the tabulation suppressed. (MCL 780.655)</p> <p>Duration: From the time of entry of the court order until the final disposition of the case unless otherwise ordered.</p>	<p>Relevant tabulations are “suppressed.”</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p>
<p>JUVENILE WAIVER:</p> <p>Reimbursement orders. (MCL 712A.18)</p> <p>Information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults are found guilty of contempt).</p> <p>Duration: From the time the court begins proceedings against parents or adults.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Information shall not be released for publicity.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
FOC STAFF NOTES: Staff notes from settlement conferences and investigations. (MCR 3.218) Duration: From creation of the notes.	<p>Notes should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>
FOC FILES: DHS protective services reports. (MCR 3.218) Duration: From receipt of the report.	<p>Reports should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>
FOC FILES: Communications from minors. (MCR 3.218) Duration: From receipt of the communication.	<p>Communications from minors should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>

Nonpublic and Limited-Access Court Records

CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>FOC FILES: Information disclosing a party's address. (MCR 3.218)</p> <p>Duration: From receipt of the information.</p>	<p>Party address information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>
<p>FOC FILES: Information classified as confidential by laws and regulations of Title IV, part D of the Social Security Act. (MCR 3.218)</p> <p>Duration: From receipt of the information.</p>	<p>IV-D confidential information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>
<p>FOC FILES: Information for which a privilege could be claimed or that was provided by a governmental agency subject to the express written condition that it remain confidential. (MCR 3.218(A)(3)(g))</p> <p>Duration: From receipt of the information.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: "No public record exists."</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <p>(1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect,</p> <p>(2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act,</p> <p>(3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and</p> <p>(4) access may be authorized by court order.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>FOC GRIEVANCE:</p> <p>Grievances filed by opposing party and responses. (MCR 3.218)</p> <p>Duration: From receipt of the grievance or response.</p>	<p>Grievances and responses should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>THE STANDARD PUBLIC ACCESS REQUIREMENTS FOR THE FOC ARE:</p> <ul style="list-style-type: none"> (1) Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect, (2) the prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act, (3) auditors from state and federal agencies are to receive access to records required to perform audit functions, and (4) access may be authorized by court order. <p>A citizen advisory committee is to have access to grievances and may be given access to other grievance-related information by court order upon clear demonstration that the information is necessary to the performance of its duties and that release will not impair the rights of a party or the well-being of a child involved in the case.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
CHILD VICTIMS AND WITNESSES: Child protective and juvenile delinquency cases – does not apply to a juvenile delinquent (MCL 712A.28(2)) Records of a hearing closed under MCL 712A.17 Duration: From beginning of the hearing.	<p>Records are typically closed.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Records are open only by court order to persons having a legitimate interest.</p>
DESIGNATED CASE: Immunity (MCL 767A.8) Documents related to prosecutor-sought immunity (including petitions and orders for immunity and transcripts of testimony delivered to witnesses pursuant to grants of immunity). Duration: From the time the prosecutor seeks immunity, until the time immunity is not granted (if any).	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Relevant documents shall not be divulged to any person.</p>
DESIGNATED CASE: Investigative subpoenas (MCL 767A.8) Records and documents obtained by prosecutor pursuant to an investigative subpoena. Duration: From creation of the record or document.	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Relevant documents shall not be divulged to any person.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
DESIGNATED CASE: Protective orders. (MCR 6.201(E)) Record of hearing on issuance of a protective order if the court grants the protective order. Duration: Provisionally upon the start of the hearing, and then permanently from the granting of the protective order.	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	None specified.
DESIGNATED CASE: Excision of discovery materials. (MCR 6.201(D)) Record of hearing on excision of portions of material under discovery if the court grants the excision. Duration: Provisionally upon the start of the hearing, and permanently from the granting of the order.	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	None specified.
FINGERPRINTS AND PHOTOGRAPHS: Fingerprints and photographs taken when required by statute or permitted by the court. (MCL 28.243; MCR 3.923(C)) Duration: From creation until they are forwarded to MSP or they are destroyed.	<p>Fingerprints and photographs must be placed in the confidential files, capable of being located and destroyed on court order.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	Only persons found by the court to have a legitimate interest considering the nature of the proceedings, the welfare and safety of the public, the interest of the minor, and any restriction imposed by state or federal law. (MCR 3.925(D))

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>JUVENILE DELINQUENCY:</p> <p>Consent Calendar Records. (MCR 3.903(A)(24) and 3.935(E)(2)(b))</p> <p>Entire file.</p> <p>Duration: A petition that is not authorized by the court is a nonrecord and does not exist as a public record.</p> <p>The case is closed upon successful completion of the consent calendar case plan and maintained in accordance with MCL 3.925(E)(2)(b).</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Relevant documents shall not be divulged to any person.</p> <p>If a formal calendar case is transferred to the consent calendar and a register of actions exists, the register of actions must be maintained as a nonpublic record.</p> <p>Consent calendar records may not be disclosed to federal agencies and military recruiters because they are not “formal criminal charges.” 5 USCS 9101 (a)(2)</p>
<p>JUVENILE DELINQUENCY:</p> <p>Diversion records. (MCL 722.827-722.829)</p> <p>Duration: From the decision by the court to divert the juvenile.</p>	<p>The court shall keep a “separate diversion record” for the minor.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>A record required to be kept under this act shall be open to a law enforcement agency or court intake worker only for the purpose of deciding whether to divert a minor. (MCL 722.828)</p> <p>A diversion record shall also be open only by order of the court to persons having a legitimate interest. (MCL 722.829)</p> <p>Diversion records may not be disclosed to federal agencies and military recruiters. Petitions are not authorized in diversion records, and they are not “formal criminal charges.” 5 USCS 9101 (a)(2)</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>JUVENILE DELINQUENCY:</p> <p>Setting aside a conviction. (MCL 712A.18e(13)); <i>confidential state police file)</i></p> <p>Entire file where adjudication has been set aside.</p> <p>Duration: From the entry of the order setting aside the adjudication.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>A person who knows or should know that an adjudication was set aside and who divulges, uses, or publishes information concerning an adjudication set-aside is guilty of a misdemeanor.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>This nonpublic record is only open to:</p> <ul style="list-style-type: none"> (a) a court of competent jurisdiction, (b) an agency of the judicial branch of state government, (c) a law enforcement agency, (d) a prosecuting attorney, (e) the attorney general, or (f) the governor, upon request and only for the purpose of: <ul style="list-style-type: none"> (1) consideration of a licensing function conducted by an agency of the judicial branch of state government, (2) consideration by a law enforcement agency if a person whose adjudication has been set aside applies for employment with that agency, (3) to show that a person who has filed an application to set aside an adjudication has previously had one set aside under this subsection, (4) the court's consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than one year, or (5) consideration by the governor if a person whose adjudication has been set aside applies for a pardon for another offense. (MCL 712A.18e(13)) <p>It shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)) <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p>

Nonpublic and Limited-Access Court Records

CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>JUVENILE DELINQUENCY:</p> <p>Infectious disease testing. (MCL 333.5129(6), (7)); Sexual and controlled substance offenses</p> <p>Examination results and any other medical information pertaining to infectious disease testing.</p> <p>Duration: Upon receipt of the information.</p>	<p>Information shall be “confidential.”</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Information shall be disclosed only to:</p> <ul style="list-style-type: none"> (a) the defendant or child, (b) the local health department, (c) the Department of Community Health, or (d) the victim or other person required to be informed of the results (or the victim’s or other person’s parent, guardian, or person in loco parentis if the victim or other person is a minor or otherwise incapacitated). <p>Information can also be disclosed upon written authorization of the defendant or the child, or the child’s parent, guardian, or person in loco parentis.</p> <p>If the juvenile is placed in the custody of a person related to the child or a public or private agency, institution, or facility, the court shall transmit a copy of the juvenile’s examination results to the person related to the juvenile or the director of the agency, institution, or facility.</p>
<p>JUVENILE DELINQUENCY:</p> <p>Victim information (MCL 780.784)</p> <p>Name, address, and phone number information on any known victims.</p> <p>Duration: From the time the information is received.</p>	<p>Information shall be on a statement “separate” from the petition or complaint and shall not be a matter of public record.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>JUVENILE DELINQUENCY:</p> <p>Minor in possession. (MCL 436.1703(3))</p> <p>Entire file</p> <p>Duration: While proceedings are deferred and the individual is on probation.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The nonpublic record shall be furnished to any of the following:</p> <ul style="list-style-type: none"> (a) to a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized the subsection, and (b) to the department of corrections, a prosecutor, or a law enforcement agency, upon request, subject to the following conditions: <ul style="list-style-type: none"> (i) at the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency, and (ii) the record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. (MCL 436.1703(3)) <p>The nonpublic record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI only for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101(a) and (b)). <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>JUVENILE DELINQUENCY:</p> <p>Drug court. (MCL 600.1070(b)(i))</p> <p>Drug court participation and treatment information becomes a nonpublic record after the order of discharge or dismissal is entered. This is applicable only to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge or dismissal upon successful completion of the drug treatment court program.</p> <p>Duration: After entry of the order of discharge or dismissal upon successful completion of the drug court treatment program.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The nonpublic record shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors <i>only</i>:</p> <ul style="list-style-type: none"> (a) for use in the performance of their duties, (b) to determine whether an employee of the court, department, law enforcement agency, or prosecutor’s office has violated his or her conditions of employment, or (c) to determine whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor’s office. <p>The nonpublic record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:</p> <ul style="list-style-type: none"> (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <p>(5 USCS 9101(a) and (b)).</p> <p>Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - JUVENILE		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
JUVENILE DELINQUENCY: Drug court. (MCL 600.1064(4)) Statements or information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3). Duration: From the time of the preadmission screening.	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>None specified.</p> <p>Statements and information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3) are confidential and exempt from disclosure under the Freedom of Information Act and shall not be used in criminal prosecution unless it reveals criminal acts other than or inconsistent with personal drug use.</p>
REIMBURSEMENT ORDERS: Child protective, designated, juvenile delinquency and juvenile waiver cases. (MCL 712A.28) Information on action taken for not abiding by a reimbursement order (unless parents or adults found guilty of contempt). Duration: From the time the court begins proceedings against the parents or adults.	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Information shall not be released for publicity.</p>
SOCIAL FILE: Entire file. (MCR 3.903; 3.925(D)) Duration: From the creation of the record or document.	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>Only persons found by the court to have a legitimate interest considering the nature of the proceedings, the welfare and safety of the public, the interest of the minor, and any restriction imposed by state or federal law. (MCR 3.925(D))</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - ADOPTIONS, ETC.		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>ADOPTION:</p> <p>Entire file. (MCL 710.67-68)</p> <p>Duration: From the creation of the file.</p>	<p>Adoption records shall be kept in “separate locked files” and shall not be open to inspection or copy except upon order of a court of record for good cause shown expressly permitting inspection or copy.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>“A person in charge of adoption records shall not disclose the names of the biological adoptive parents of an adopted person, unless ordered to do so by a court of record” or requested to do so by the Children’s Ombudsman, “except to meet requirements of the Director of Public Health for purpose of creating a new certificate of birth in the adoptive name and sealing the original certificate of birth.”</p> <p>In general, after 21 days following entry of the final order of adoption, the court “shall not permit copy or inspection of the adoption proceedings, except upon a sworn petition setting forth the purpose of the inspection or copy.”</p> <p>MCL 710.68 has several different public access standards directing release of information to a confidential intermediary.</p> <p>The Children’s Ombudsman may inspect closed adoption files in connection with an investigation.</p>
<p>NAME CHANGE:</p> <p>If the court orders the name change to be confidential, the entire file. (MCL 711.3; MCR 3.613(E))</p> <p>Duration: From the entry of the order.</p>	<p>Records must be maintained in a sealed envelope marked “confidential” and placed in a private file.</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>An individual may gain access to the confidential record if the court so orders. A court officer, employee, or agent who divulges, uses, or publishes, beyond the scope of his or her duties with the court, information from a record made confidential under this section is guilty of a misdemeanor.</p>

Nonpublic and Limited-Access Court Records		
CIRCUIT COURT FAMILY DIVISION - ADOPTIONS, ETC.		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>WAIVER OF PARENTAL CONSENT FOR ABORTION:</p> <p>Entire file. (MCR 3.615(B)(3)); <i>In Re F. G., Minor</i>, 264Mich App 413; 691 NW2d 465 (2004).</p> <p>Duration: From the creation of the file.</p>	<p>“If requested by the minor, the title of the proceeding shall be by initials or some other means of assuring confidentiality.”</p> <p>“All documents containing identifying information shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file.”</p> <p>File information shall not be entered into a computer system.</p> <p>Only one file of all papers in each case shall be maintained.</p> <p>Within the court, the file shall be inspected only by the judge and “specifically authorized court personnel.”</p> <p>The court should respond to requests to view a nonpublic record, as well as any record that does not exist, as follows: “No public record exists.”</p>	<p>The file shall be inspected only by “the judge, the minor, her attorney, her next friend, the guardian ad litem, and any other person authorized by the minor.”</p> <p>“After the proceedings are completed, the file may be opened only by order of the court for good cause shown and only for a purpose specified in the order of the court.”</p>

Nonpublic and Limited-Access Court Records		
PROBATE COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>CONSERVATORSHIP: Confidential settlement of lawsuit where the settlement amount is relevant to the conservatorship. All documents pertaining to the settlement are confidential. Duration: From receipt of the information.</p>	<p>The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.</p>	<p>If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.</p>
<p>DECEDENT'S ESTATE: Confidential settlement of lawsuit where the settlement amount is relevant to the decedent's estate. All documents pertaining to the settlement are confidential. Duration: From receipt of the information.</p>	<p>The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.</p>	<p>If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.</p>
<p>GUARDIANSHIP FOR DEVELOPMENTALLY DISABLED INDIVIDUAL: Report to accompany initial petition. (MCL 330.1612(4)) Duration: From receipt or the report.</p>	<p>A report shall not be made part of the public record of the proceedings.</p> <p>A report is available to the court or to an appellate court to which the proceedings may be appealed.</p>	<p>The report is to be available only to the respondent, the petitioner, their attorneys, and to other individuals as the court directs.</p>

Nonpublic and Limited-Access Court Records		
PROBATE COURT		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p>GUARDIANSHIP FOR LEGALLY INCAPACITATED INDIVIDUAL:</p> <p>Report to accompany initial petition. (MCL 700.5304(1))</p> <p>Duration: From receipt of the report.</p>	<p>A report shall not be made part of the public record of the proceedings.</p> <p>A report is available to the court or to an appellate court to which the proceedings may be appealed.</p>	<p>The report is to be available only to the alleged incapacitated individual, the petitioner, their attorneys, and to other individuals as the court directs.</p>
<p>SECRET MARRIAGE:</p> <p>Entire file (which includes an application for a secret marriage license, the license itself, and a secret marriage certificate). (MCL 551.203-551.204)</p> <p>Duration: From creation of the file.</p>	<p>Secret marriage documents shall be placed in a “private file.”</p> <p>All knowledge of facts involved in marriage are “privileged communication,” and “violation of the confidence” is criminally punishable.</p>	<p>The file can be opened to inspection either through written request and proper proof of identification of one or both partners to the marriage or through written order of a circuit court judge.</p>
<p>WILLS FILED FOR SAFEKEEPING:</p> <p>The court shall receive and safely keep the will and give a certificate of the deposit of the will. (MCL 700.2515)</p> <p>Duration: From delivery of the will until the death of the testator.</p>	<p>A will in writing that is enclosed in a sealed wrapper on which is endorsed the testator’s name, address, and social security number (<i>optional</i>) may be deposited with the court in the county where the testator resides.</p>	<p>During the lifetime of the testator, the will shall be delivered only to the testator or to some person authorized by the testator in writing. After the death of the testator and at the first session of the court after the court receives notice of the testator’s death, the will shall be publicly opened and retained by the court.</p>

